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# United States District Court

## SOUTHERN DISTRICT OF NEW YORK

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**SHARON LAFIA**

*Plaintiffs*

—v—

**NEW YORK CITY, BOARD OF EDUCATION OF THE CITY  
SCHOOL DISTRICT OF THE CITY OF NEW YORK, A/K/A THE  
NEW YORK CITY DEPARTMENT OF EDUCATION, JEFFREY  
EUSTACHE IN HIS INDIVIDUAL AND IN HIS OFFICIAL CAPACITY,  
PRINCIPAL INDIRA MOTA, IN HER INDIVIDUAL AND IN HER OFFICIAL  
CAPACITY, LINDSAY CICILLINI, IN HER INDIVIDUAL AND IN HER  
OFFICIAL CAPACITY, NEW YORK CITY LAW DEPARTMENT,  
FORMER NEW YORK CITY LAW DEPARTMENT ATTORNEY BRITTNEY  
JORDAN FINDER, IN HER INDIVIDUAL AND IN HER OFFICIAL CAPACITY,  
AND JOHN AND JANE DOES NOS. 1-10;**

*Defendants,*

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## RULE 26(F) REPORT

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CORY H. MORRIS (CM 5225)  
THE LAW OFFICES OF CORY H. MORRIS  
*Attorney for Sharon LaFia*  
Office & P.O. Address  
863 Islip Avenue  
Central Islip NY 11722  
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The parties' application is DENIED. Discovery remains stayed pursuant to Judge Gardephe's Order of June 22, 2023 (ECF 53).

Date: December 19, 2023  
New York, NY

SO ORDERED

  
ROBYN F. TARNOFSKY  
UNITED STATES MAGISTRATE JUDGE

## RULE 26(f) JOINT STATEMENT

Pursuant to Rule 26(f) of the *Federal Rules of Civil Procedure*, on December 18, 2023, a meeting was held via teleconference between:

CORY H. MORRIS,

and

CATHRYN A. HARRIS

*Attorney for the Plaintiffs*

Steven DiSiervi

*Attorneys for the Defendants*

1. **Settlement.** The parties have discussed settlement of this matter, but no settlement agreement has been reached. Plaintiffs have made a good faith settlement demand.

Defendants have made no offer and await discussion with his clients for further advisement as to the possibility of settlement negotiations. A mandatory mediation was held, no offer was made and no settlement was reached.

2. **Initial Disclosures.** Plaintiffs plan on serving their initial disclosures on or before January 18, 2023 . Defendants will serve their initial disclosures on or before January 18, 2023.

3. **Discovery.** Plaintiffs served a Litigation Hold Notice at the outset of noticed litigation and posted the same to the record.

After meeting and conferring, both parties agree to have discovery served/responded to within sixty (60) days or February 18, 2023.

4. The parties agree that no modifications to the Federal Rules of Civil Procedure or local rules of civil procedure are required.

5. The parties have agreed to a proposed scheduling order attached as Exhibit A.
6. **Electronically Stored Information.** The parties have agreed to preserve electronic discovery. Plaintiff served a Notice of Litigation Hold Notice. The parties **do/do not** agree on the form in which electronically stored information shall be produced. Plaintiffs' position is that ESI should be produced in searchable portable document format (PDF) and/or native format.
7. **Privileged information.** Certain documents may be privileged or contain privileged information. The parties will confer on the terms of an appropriate protective order to protect confidential and/or privileged information that may be exchanged and/or inadvertently disclosed during the course of discovery after such documents have been identified. The parties shall file the appropriate motion with the Court for approval of any protective order.  
  
Specifically, the parties conferred concerning student educational records and protected health information of both sides.
8. **Delivery of Motions and Pleadings.** The parties agree that a notice of electronic filing through the Court's PACER system shall be sufficient for both service and delivery of the motion on the date filed. The parties further agree to electronically serve each other with filings, by attaching them to emails addressed to all counsel of record.

**DATED: DECEMBER 18, 2023**

LAW OFFICES OF CORY H. MORRIS

By: Cory H. Morris /s/

Cory H. Morris (CM5225)  
Attorneys for Plaintiff  
863 Islip Avenue  
Central Islip NY 11722

Abrams, Gorelick, Friedman & Jacobson, LLP

By: 

Steven DiSiervi  
Abrams, Gorelick, Friedman & Jacobson, LLP  
Attorneys for Defendants  
One Battery Park Plaza, 4th Floor  
New York, New York 10004  
Direct Line: (212) 419-8752  
Main Phone: (212) 422-1200  
Fax: (212) 968-7573

### CERTIFICATE OF SERVICE

I hereby certify that on the 18 day of December, 2023, I caused a true and correct copy of the **Joint Report of Rule 26(f) Conference** to be served on all counsel of record by posting to the Electronic Filing in the above case.

/S/

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CORY H. MORRIS  
*Attorney for the Plaintiff*

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SOUTHERN DISTRICT OF NEW YORK

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**SHARON LAFIA**

*Plaintiffs*

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**NEW YORK CITY, BOARD OF EDUCATION OF THE CITY  
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OFFICIAL CAPACITY, NEW YORK CITY LAW DEPARTMENT,  
FORMER NEW YORK CITY LAW DEPARTMENT ATTORNEY BRITTNEY  
JORDAN FINDER, IN HER INDIVIDUAL AND IN HER OFFICIAL CAPACITY,  
AND JOHN AND JANE DOES NOS. 1-10;**

*Defendants,*

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## PROPOSED DISCOVERY PLAN

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Pursuant to the Federal Rules of Civil Procedure 26(f), the parties agree to the following Joint Proposed Discovery Plan and Scheduling Order:

1. All fact depositions must be completed by: September 18, 2024
2. All expert discovery must be completed by: December 18, 2024
  - a. Expert disclosures pursuant to Rule 26 shall be made by: October 18, 2024
  - b. Rebuttal expert disclosures pursuant to Rule 26 shall be made by:
3. All discovery, including expert discovery, must be completed by: December 18, 2024
4. Submission of pre-motion letters regarding dispositive motions by: January 18, 2024
5. Submission of Joint Pre-trial Order by: As per Court's Rules
6. A Pre-trial Conference shall be held on:

Dated: December 18, 2023

LAW OFFICES OF CORY H. MORRIS

By: Cory H. Morris /s/

Cory H. Morris (CM5225)  
Attorneys for Plaintiff  
863 Islip Avenue  
Central Islip NY 11722

Abrams, Gorelick, Friedman & Jacobson, LLP

By: 

Steven DiSiervi  
Abrams, Gorelick, Friedman & Jacobson, LLP  
Attorneys for Defendants  
One Battery Park Plaza, 4th Floor  
New York, New York 10004  
Direct Line: (212) 419-8752  
Main Phone: (212) 422-1200

**SO ORDERED:**

Honorable Robyn F. Tarnofsky  
United States Magistrate Judge

Date: \_\_\_\_\_



## CHECKLIST FOR THE COURT

- A. Initial Disclosures: Counsel confirm that the Initial Disclosures have been served:

Plaintiff:

Defendants:

☐ Yes ☒ No

☐ Yes ☒ No

- B. Stipulation and Order of Confidentiality: Counsel confirm that they have consulted in good faith regarding the need for such an order:

☒ Yes ☐ No

Based on that consultation, counsel find that a Stipulation and Order of Confidentiality is:

☒ Needed (insofar as juvenile/special education records are concern

☐ Not Needed

- C. Electronically Stored Information ("ESI"): Counsel confirm that they have met and conferred regarding the existence of any relevant ESI on both sides:

☒ Yes ☐ No

The parties have had some preliminary discussion about the type of ESI which is in their clients' respective possession or control and how they wish to have such ESI produced:

☒ Yes ☐ No

Based on these discussions, counsel are advising the Court that the relevant ESI consists of:

1. Email communications;
2. Data retrieval from Defendants of Plaintiffs' cellular phone;
3. Phone/Electronic/Text message data in native format;
4. Video/Audio to the extent it exists;

D. HIPAA Release Authorizations: Counsel confirm that such authorizations for this case are:

☒ Needed ☐ Not Needed

**SO ORDERED:**

Dated:

New York, New York

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Hon. Robyn F. Tarnofsky  
United States Magistrate Judge